

Application No.: 09/284,339

Docket No.: 22223-00001-US

REMARKS

The Office Action and prior art relied upon have been carefully considered.

Claims 196-202 are rejected under 35 U.S.C. 102(e) as being anticipated by Teicher (U.S. Patent No. 5,744,787).

In the pending Action, the Examiner indicates that Teicher discloses all the features of the present invention. In particular, referring to the feature of the present invention, generally recited in all of the pending claims, that an electronic value card comprises at least one key data for use with a mutual authentication process between a gate terminal and the electronic value card performed when the gate terminal examines the electronic value card, the Examiner suggests that Teicher's "account ID 321 with PIN" is equivalent to the "key data" recited in claims 196, 201 and 202.

The above-noted claimed feature is described on page 280, lines 24 -- page 281, line 14 in the specification, wherein:

One electronic ticket includes three key types and four different keys in accordance with the public key cryptography method. ...Another key type is a ticket private key 1911 used for the electronic ticket authorization process performed with the gate terminal 101. The other key type is a gate public key 1912 used for authorization process for the gate terminal 101 performed by the mobile user terminal 100. ...The gate terminal 101 includes a ticket public key and a gate private key that correspond to the ticket private key 1911 and the gate public key 1912.

In contrast, Teicher discloses an account ID 321 with PIN in col. 8, lines 47-64 of the patent, wherein:

Application No.: 09/284,339

Docket No.: 22223-00001-US

the electronic wallet also comprises an electronic checkbook 320, in which register 321 contains information identifying and authorizing transactions with at least one credit or bank account, made through processing centers of financial institutions 20. External interface 340 serves as an interface between the electronic wallet and payment units 8. External interface 340 comprises communication hardware as well as secured protocols for reading or altering the information stored in the electronic wallet. These protocols preferably include a requirement for keying-in a secret PIN (personal identification number) code via customer interface 352, as a precondition for any transaction with wallet 9.

Teicher's PIN refers to a personal identification number that the customer inputs through customer interface 352 (e.g., keypad). Teicher's "account ID with PIN," however, is not for use with a mutual authentication process operating with other communication terminal apparatus including external interface 340, card interface 351, and POS 10. Teicher's "account ID with PIN" is therefore completely different from the key of the present invention for use with a mutual authentication process between a gate terminal and an electronic value card performed when the gate terminal examines the electronic value card.

The claimed invention relates to an electronic value card for use with a mutual authentication process between a gate terminal and an electronic value card, the process performed when the gate terminal examines the electronic value card, has at least the advantage of preventing illegal use and access though impersonation and alternation of data, and enables secure electronic commerce.

It is submitted that the claimed invention presently traverses all of the claim rejections under 35 U.S.C. 102(e) and is in condition for allowance since the reference fails to anticipate the invention.

Anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims. *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *Akzo N.V. v.*

Application No.: 09/284,339

Docket No.: 22223-00001-US

U.S. International Trade Commissioner, 1 USPQ2d 1241 (Fed. Cir. 1986). There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102. *Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991); *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (Fed. Cir. 1984).

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22223-00001-US from which the undersigned is authorized to draw.

Dated: August 19, 2004

Respectfully submitted,

By 

Morris Liss

Registration No.: 24,510

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant